


David J. Bradley, Clerk

complaint.” *Probado Techs. Corp. v. Smartnet, Inc.*, No. CIVA C-090349, 2010 WL 918573, at *1 (S.D. Tex. Mar. 12, 2010). But, “[a] motion to dismiss, which attacks the original complaint for deficiencies that persist in the amended complaint,” need not be denied as moot in all circumstances.” *People’s Choice Home Loan, Inc. v. Mora*, No. CIVA 3:06-CV-1709-G, 2007 WL 120006, at *2 (N.D. Tex. Jan. 18, 2007). “If some of the defects raised in the original motion remain in the new pleading, the court simply may consider the motion as being addressed to the amended pleading.” 6 WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2018).

Headen’s amended complaint alleges more facts—and with greater particularity—than the original complaint. *Compare* (Docket Entry No. 12), *with* (Docket Entry No. 1). The court finds the motion to dismiss moot. Headen’s amended complaint is deemed filed as of today’s date. Abundant Life may file a motion to dismiss that specifically addresses the amended complaint’s claims and allegations no later than **October 12, 2018**. Headen must respond no later than 14 days after Abundant Life’s Rule 12 motion is filed.

SIGNED on September 24, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge